

OHR Press Briefing by Mr. Carlos Westendorp

I have just been at the Presidency with President Izetbegovic and President Zubak. Krajisnik wasn't there. He had already announced that he is not going to come and co-operate with the common institutions. Other Serb representatives will not come either until the situation in the Banja Luka police station is resolved. We are facing now the two very important Sintra deadlines, the Citizenship Laws and the common CAA, together with the MOU on opening up the airports. Both the Bosniak and Croats are willing to accept our compromise. The CAA has already been signed up by the Federation.

We already knew that in the CoM this issues were blocked by the RS representatives. The problem now is that the deadline expired and I considered it necessary to propose sanctions to the IC, to the Steering Board. You know that I'm very careful about proposing sanctions and not to punish the population. At the moment I'm considering to introduce sanctions by which those responsible for blocking the work of the common institutions would not be granted visas to travel abroad. In this particular case, I have in mind the Serb authorities. This is the measure that I will propose to the IC.

As far as the CAA is concerned, before this current crisis we have been encouraged by the fact that Minister Albijanic also agreed with our proposal. The problem is we can not make this affective because, as I said before, the Serb representatives are not allowed to co-operate with the IC for the time being. So, the idea is to have this CAA set up already and to proceed, if possible, to open up different airports when the time permits. As you all know, the Banja Luka airport can be opened very quickly, Tuzla and Mostar will take more time, but not more than a month and a half. The only problem with this is that we will have 'empty seats' for the Serb entity to be filled. If they don't join the CAA they will lose all these rights for over-flights. So this is more or less the situation when speaking about the Common Institutions.

In the same meeting, President Zubak and President Izetbegovic expressed their worries about the reluctance of President Krajisnik and other Serb representatives to attend sessions. It is of course one thing when you don't want to agree on something but you are present... And you know decisions are taken by consensus. Another thing is when they just don't want to come. By doing that, they are blocking the work. Both, Zubak and Izetbegovic announced that they will write a letter to me asking for further steps to be taken. I'm thinking what my answer should be on that. I can only say at the moment, that it is Krajisnik's responsibility to carry out his duties. He has no other responsibility than to represent the RS in the BiH Presidency. Apparently, he is also a Chairman of the SRT Board of Directors. In this capacity I'm writing him letters, asking him to use influence in order to improve the SRT program. The possible answer is that whenever a member of the Presidency can not come, he has to appoint a deputy, or some senior official and than, in case of doubt, asking by telephone. This is in the rules of procedure. In the rules of procedures it is also said that when a member of the Presidency can not attend sessions on the permanent basis that there should be elections. In the Constitution there is also a provision which says that decisions could be taken by two of the three members of the Joint Presidency, that the third member, who descends, may invoke a vital interest, but in this case it has to be confirmed by two thirds of the RS Assembly. These are the facts, I may discover other constitutional provisions, but this is applicable now.

The situation with the Common Institutions, as you see, is stalled. We have to recognise that, but let's see if the situation improve. I'm going to write to Mr. Krajisnik to attend the sessions and comply with all the obligations.

The situation in RS is worrisome but it is very justified and I think that the IC is supporting the constitutional grounds. When President Plavsic asked the OSCE to supervise this general elections on 12 October, I was in Vienna. The OSCE members are willing to support this elections although they haven't yet taken the decision because there are some members rightfully hesitant about how to monitor the elections.. In a few days we will hopefully have the decision.

Q: Sanctions? Whom against?

Westendorp: To begin with, it will affect those who should have come and should have agreed, that is to say, the members of the CoM, the representatives of the CoM who are competent to adopt that and comply with. I said to begin with because I don't know what it is going to be the second and the third stage. I would prefer to impose symbolic actions. You can imagine that some of this persons who wouldn't be able to travel abroad are not going to

be happy about it.

Q: Would this sanction apply only for Botic or also for other members of the CoM?

Westendorp: I think he has also deputies...

Q: What about Krajisnik?

Westendorp: For the time being, he is not responsible for the CoM. He will be included in my answer, because he is not coming and he is asking others not to come.

Q: SFOR/IPTF intervention in Banja Luka. Was it based on the Annex 10 of the DPA or on the RS Constitution?

Westendorp: The intervention started by Krajisnik's demand. Krajisnik called SFOR and said, please, go to have a look at the BL police station because there is a force of paramilitary special police and they are investigating what is happening in a police station which is normal police and not a special police. So, IPTF went there, SFOR protected them and they found that the special police was there in fact and that this special police was under command of Major Lukac, who is supportive of the RS President. They told the special police to go. The IPTF found 500 tapes and other controversial material, which is a crime in the RS. This has now been studied by the IPTF and will be reported to different tribunals, human rights commission and finally, the legal authorities of RS, to Ms. Plavsic and the Prosecutor. I told Ms. Plavsic to suspend, not to dismiss Minister Kijac and his deputy because they are responsible for what is happening in any police station, and to appoint competent person to be the interlocutor for the IC in order to make the reform of the police. She did that, the only thing ... she called him the acting Minister of Interior. I didn't tell her to do that ... Now that's the situation.

Q: Any measures to be taken against SRT?

Westendorp: Well, I have the right to curtail and suspend broadcasting which is contrary to Dayton. You have heard about that SSFOR video tape. In my opinion, the moment has come to use the curtail and suspend mandate. Now, I'm looking what tools to use. It might be some kind of an impartial body, to monitor, to follow and to ask them don't do that, do that, if it is not true or it is not impartial, if it doesn't work then some other kind of action should be envisaged, for instance, to suspend a news program, to temporarily suspend a broadcasting station. The action itself depends on the mandate of SFOR to support this action. We shall see. But in my opinion, it has to be done.

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